

Region 8 Congressional and Intergovernmental Weekly Report
For the Week Ending September 4, 2016

1. Past Week's Happenings:

8/30: Senate Environment and Public Works Subcommittee Field Hearing in Rapid City, SD.

Sen. Rounds opening testimony focused on the federal regulatory process needing to make certain federal regulations are promulgated in a transparent, open process with adequate public participation.

Shaun provided his testimony followed by Noreen Walsh from FWS. The Senator directed 5 questions at Shaun regarding how EPA views its outreach to the public when creating new rules and regulations, pointed to numerous critical comments to EPA's recent rules and rulemaking process and cited the various lawsuits on recent rules such as the Waters of the U.S. and Clean Power Plan. Shaun stressed the importance that public input has on rule making and the efforts EPA has made to provide the public every opportunity to express their comments and views on proposed rules, while also noting that lawsuits are inevitable during rule making processes. Once their testimony concluded Sen. Rounds thanked all the witnesses for attending and concluded by stating that the rule making process in Washington D.C. needs to be changed. He cited that in many cases these rules do not go through congressional review and are issued from executive branch agencies with no congressional input. Below is the opening statement from Sen. Rounds and a few articles on the hearing.

<http://www.rounds.senate.gov/newsroom/press-releases/rounds-opening-statement-at-subcommittee-hearing-in-rapid-city>

<http://www.kotatv.com/content/news/Landowners-bear-the-burden-of-complying-with-many-government-regulations-391793811.html>

<http://www.blackhillsfox.com/content/news/Senator-Rounds-hosts-discussion-on-environment-and-private-land-391803121.html>

http://rapidcityjournal.com/news/local/rounds-questions-epa-at-senate-field-hearing-in-rapid-city/article_74df960a-5df7-5eac-a1f3-a134e928ef77.html

9/1: Matt Davis from HQ OCIR accompanied Jon Edwards, Office of Radiation and Indoor Air and staff for briefing on the UIC rules for Sen. Barrasso's (WY) staff. I'll let you know if there's any regional follow-up items, but I doubt there will be any, given their interest is focused exclusively on the rulemaking.

2. Upcoming Hearings/Meetings/Notifications

9/7: Tentative Congressional notification on the CFAC and Bonita Peak Mining District NPL listings.

3. Legislative Updates

Note: Congress begins its summer recess from July 16th -September 5th (State Work Period as it's called in the Senate, and District Work Period as it's called in the House).

4. New or Outstanding Letters/Correspondence:

New Correspondence:

9/1: Senator Tester (MT) sent a letter to the Administrator urging that asbestos be among the first ten chemicals for evaluation under the updated TSCA reform act. Region 8 CC'd and HQ will provide a response.

9/1: Jennifer Loraine from Sen Gardner's (CO) office sent me an email to me stating that they have heard from a CO company that is having concerns and issues with the rollout of the TSCA reform act and who they could speak directly with the EPA for some guidance. It appears the company inquired with one of our state offices on the denial of low volume exemption (LVE) requests that in the past have been approved. HQ OCIR responded on 9/1 and will reach out directly if need to the constituent.

Outstanding Requests:

8/25: Congresswomen Mia Love (UT) staff sent a request for information regarding on a case in which EPA and the Army Corps are working on restoring the Saratoga Harbor Marina. I am working with HQ to find out more information on what this pertains to, most likely Corps and section 404 issues. (Working with Art on this, may not be able to respond other than this case has been referred to DOJ).

8/23: UT Governor Gary Herbert sent a letter to the Administrator requesting assistance in developing effective air quality regulations for the Uinta Basin that address crucial state and local interests. He shared his expectation that the EPA submitted a tribal-specific FIP to OMB for review will be "consistent with but no stricter than state oil and gas regulations." (Hopefully out next week)

8/11: Congressman Cramer (ND) sent a letter to the Administrator on North Dakota's application for state primacy over the Class VI injection well activities. In the letter the Congressman asks what work has been completed, what work remains unfinished, why hasn't a decision been made, and when does EPA anticipated a decision being made?

8/9: Senator Tester (MT) sent a letter to the Administrator and the Chief of the U.S. Forest Service to thank the agencies on the fire preparedness at the Libby Superfund site. Senator Tester also expressed some concerns in the letter that there continues to be a significant risk in the case a significant fire breaks out near the site, and making sure there are adequate resources available. Region 8 will respond with RA signature. (Hopefully out next week)

Sent Items:

8/31: Letter to EPA re: constituent concerns about PFC's in Colorado from Senator Bennet
HQ has been assigned to respond with the AA of OW signing the response letters. Region 8 was CC'd.

5. Congressionals and Other Elected Officials in the News/on Social Media

CAMPAIGN 2016:

Colo. governor criticizes ballot box efforts to limit drilling

Jennifer Yachnin, E&E reporter

Published: Friday, August 26, 2016

<http://www.eenews.net/energywire/2016/08/26/stories/1060042092>

CLEAN POWER PLAN:

EPA pushes back comment deadline on early credit program

Emily Holden, E&E reporter

Published: Friday, August 26, 2016

<http://www.eenews.net/climatewire/2016/08/26/stories/1060042096>

REGULATIONS:

Senators to discuss water rule, ESA settlements

Corbin Hiar and Tiffany Stecker, E&E reporters

Published: Monday, August 29, 2016

<http://www.eenews.net/greenwire/2016/08/29/stories/1060042137>

APPROPRIATIONS:

Conservative groups seek to kill lame-duck omnibus

Geof Koss and George Cahlink, E&E reporters

Published: Tuesday, August 30, 2016

<http://www.eenews.net/greenwire/2016/08/30/stories/1060042197>

AIR POLLUTION:

EPA can revise provisions of ozone rule — court

Sean Reilly, E&E reporter

Published: Tuesday, August 30, 2016

<http://www.eenews.net/greenwire/2016/08/30/stories/1060042201>

CLIMATE:

Court allows greens, power companies to back EPA rule

Amanda Reilly, E&E reporter

Published: Tuesday, August 30, 2016

<http://www.eenews.net/greenwire/2016/08/30/stories/1060042199>

OIL AND GAS:

N.D., Texas tee up arguments against methane rule

Amanda Reilly, E&E reporter

Published: Tuesday, August 30, 2016

<http://www.eenews.net/greenwire/2016/08/30/stories/1060042175>

REGULATIONS:

Critics unload on water rule, EPA at S.D. hearing

Tiffany Stecker, E&E reporter

Published: Wednesday, August 31, 2016

<http://www.eenews.net/greenwire/2016/08/31/stories/1060042219>

OIL AND GAS:

Enviros pick climate fight with feds, seek to rein in leasing

Ellen M. Gilmer, E&E reporter

Published: Friday, August 26, 2016

<http://www.eenews.net/energywire/2016/08/26/stories/1060042094>

SOLID WASTE:

N.D. landfill storing radioactive sludge — state

Published: Friday, September 2, 2016

<http://www.eenews.net/greenwire/2016/09/02/stories/1060042301>

MINING:

Industry says EPA stonewalling on Superfund rule

Dylan Brown, E&E reporter

Published: Thursday, September 1, 2016

<http://www.eenews.net/greenwire/2016/09/01/stories/1060042246>

LEAD:

HUD mulls revision of blood limits for kids

Published: Thursday, September 1, 2016

<http://www.eenews.net/greenwire/2016/09/01/stories/1060042262>